

Senate Study Bill 1028

SENATE/HOUSE FILE _____
BY (PROPOSED BOARD OF PAROLE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal penalties for an assault on
2 members of certain occupations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1025DP 80
5 jm/sh/8

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1 1 Section 1. Section 708.3A, Code 2003, is amended by adding
1 2 the following new subsection before subsection 1:
1 3 NEW SUBSECTION. 0A. A person who commits an assault, as
1 4 defined in section 708.1, against a peace officer, jailer,
1 5 correctional staff, member or employee of the board of parole,
1 6 health care provider, or fire fighter whether paid or
1 7 volunteer, with the knowledge that the person against whom the
1 8 assault is committed is a peace officer, jailer, correctional
1 9 staff, member of the board of parole, health care provider, or
1 10 fire fighter, and causes serious injury upon the peace
1 11 officer, jailer, correctional staff, member or employee of the
1 12 board of parole, health care provider, or fire fighter, is
1 13 guilty of a class "C" felony.

1 14 Sec. 2. Section 708.3A, subsections 1 through 4, Code
1 15 2003, are amended to read as follows:

1 16 1. A person who commits an assault, as defined in section
1 17 708.1, against a peace officer, jailer, correctional staff,
1 18 health care provider, or fire fighter, whether paid or
1 19 volunteer, with the knowledge that the person against whom the
1 20 assault is committed is a peace officer, jailer, correctional
1 21 staff, member or employee of the board of parole, health care
1 22 provider, or fire fighter and with the intent to inflict a
1 23 serious injury upon the peace officer, jailer, correctional
1 24 staff, member or employee of the board of parole, health care
1 25 provider, or fire fighter, is guilty of a class "D" felony.

1 26 2. A person who commits an assault, as defined in section
1 27 708.1, against a peace officer, jailer, correctional staff,
1 28 member or employee of the board of parole, health care
1 29 provider, or fire fighter, whether paid or volunteer, who
1 30 knows that the person against whom the assault is committed is
1 31 a peace officer, jailer, correctional staff, member or
1 32 employee of the board of parole, health care provider, or fire
1 33 fighter and who uses or displays a dangerous weapon in
1 34 connection with the assault, is guilty of a class "D" felony.

1 35 3. A person who commits an assault, as defined in section
2 1 708.1, against a peace officer, jailer, correctional staff,
2 2 member or employee of the board of parole, health care
2 3 provider, or fire fighter, whether paid or volunteer, who
2 4 knows that the person against whom the assault is committed is
2 5 a peace officer, jailer, correctional staff, member or
2 6 employee of the board of parole, health care provider, or fire
2 7 fighter, and who causes bodily injury or mental illness, is
2 8 guilty of an aggravated misdemeanor.

2 9 4. Any other assault, as defined in section 708.1,
2 10 committed against a peace officer, jailer, correctional staff,
2 11 member or employee of the board of parole, health care
2 12 provider, or fire fighter, whether paid or volunteer, by a
2 13 person who knows that the person against whom the assault is
2 14 committed is a peace officer, jailer, correctional staff,
2 15 member of the board of parole, health care provider, or fire
2 16 fighter, is a serious misdemeanor.

EXPLANATION

2 18 This bill amends Code section 708.3A relating to an assault
2 19 on a peace officer, jailer, correctional staff, health care
2 20 provider, or fire fighter. The bill adds a "member or
2 21 employee of the board of parole" to the list of occupations
2 22 covered under Code section 708.3A. The bill effectively
2 23 increases the penalty for an assault on a member or employee
2 24 of the board of parole.

2 25 The bill provides that if a person assaults a member or
2 26 employee of the board of parole with the intent to inflict
2 27 serious injury or uses a dangerous weapon in connection with
2 28 the assault, that person commits a class "D" felony. If a
2 29 person assaults a member or employee of the board of parole
2 30 and causes bodily injury, that person commits an aggravated
2 31 misdemeanor and if the person commits any other type of
2 32 assault, that person commits a serious misdemeanor.

2 33 The bill also creates a penalty for an assault that causes
2 34 serious injury to a person who is a member of a listed
2 35 occupation under Code section 708.3A. Under the bill, if a
3 1 person assaults a peace officer, jailer, correctional staff,
3 2 member or employee of the board of parole, health care
3 3 provider, or fire fighter, and causes serious injury, the
3 4 person commits a class "C" felony. Existing law does not
3 5 provide for an enhanced penalty for an assault that causes
3 6 serious injury who is a member of a listed occupation under
3 7 Code section 708.3A.

3 8 A serious misdemeanor is punishable by confinement for no
3 9 more than one year and a fine of at least \$250 but not more
3 10 than \$1,500. An aggravated misdemeanor is punishable by
3 11 confinement for no more than two years and a fine of at least
3 12 \$500 but not more than \$5,000. A class "D" felony is
3 13 punishable by confinement for no more than five years and a
3 14 fine of at least \$750 but not more than \$7,500. A class "C"
3 15 felony is punishable by confinement for no more than 10 years
3 16 and a fine of at least \$1,000 but not more than \$10,000.

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3 18 jm/sh/8

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